

TIVERTON TOWN COUNCIL AGENDA

Tiverton Town Hall

343 Highland Road

Tiverton, Rhode Island 02878

Regular Meeting: Monday, March 12, 2012 at 7:00 p.m.

NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.

DATE POSTED: 03-08-2012

1. PLEDGE OF ALLEGIANCE TO THE FLAG

2. ROLL CALL

Jay Lambert-President Robert D. Coulter Edward Roderick

Cecil E. Leonard-Vice President David M. Nelson

Joan B. Chabot Brett N. Pelletier

3. APPROVAL OF CONSENT AGENDA

All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be

removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

REPRESENTATIVE JOHN EDWARDS

**Resolution In Support of H-7036 – Sakonnet River
Bridge**

4. A. BUSINESS BROUGHT BEFORE THE COUNCIL

CONSENT AGENDA:

**(C.A.) 1. a. Approval of Minutes from Regular Council Meeting
February 13, 2012**

**(C.A.) 2. Receipt of Minutes from the Following Boards,
Commissions**

a. Board of Canvassers (2)

b. Historic Preservation Advisory Board

c. Wastewater Management Commission

d. Planning Board

(C.A.) 3. Correspondence – Receive and File

**a. Received From City of Newport – Invitation to March in St.
Patrick's Day Parade on**

Saturday, March 17, 2012

**b. Received From Town of Exeter – Resolution of Town Council in
Support of Legislative**

Amendments to RI Low and Moderate Income Housing Act

c. Received From Town of Exeter Resolution in Support of Increasing the Number of Voters Per

Polling Location From 1,900 to 4,000 – An Act Relating to Elections and Voting Districts

d. Received From Town of Burrillville – Resolution in Support of H 7561 – Registration of Voters

e. Received from Armenian National Committee of RI – Request to Have Armenian Flag Raised Proclaiming April 24, 2012 as Armenian Genocide Remembrance Day

(C.A.) 4. Kate Michaud, Administrative Office – Report of Activities for January & February 2012

(C.A.) 5. Councilor Coulter – Final Adoption of Carryforwards & Transfers Policy (to be included in LTFP)

(C.A.) 6. Request to Re-Schedule Public Hearing On Hydronic Heaters to April 23, 2012

To Allow for Advertising Deadlines

(C.A.) 7. Street Committee, S. Berlucchi, Chair –South Christopher Ave, North Christopher Ave,

Christopher Ave., & Lyne Rd. – Documentation Found of Town Acceptance –Indexed as Town

Accepted Streets in DPW Street List Data Base

(C.A.) 8. Resolution Approving Rhode Island Clean Water Finance Agency-Sewer Tie-In Loan Program

a. Loan Agreement

b. Promissory Note

(C.A.) 9. Molly Welsch, Environment Rhode Island – Approval of Letter to President Obama Requesting Restoring of Clean Water Act Protections

A-1 OPEN PUBLIC FORUM

Public Forum for Announcements, Comments, Questions

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

1. DPW Director Stephen Berlucchi – Public Input Hearing for RIPDES (Rhode Island Pollution

Discharge Elimination System) Small MS4 2011 Annual Report Required by RIDEM

Jeff Nield, Consultant from ESS Group Public Input Hearing on Stormwater Report – Continued From February 27, 2012

C. BOARD OF LICENSING

PUBLIC HEARING – ADVERTISED

D - APPOINTMENTS & RESIGNATIONS:

E - UNFINISHED BUSINESS:

- 1. Garry Plunkett, Tiverton EBEC Representative – Continuing Discussions on Possible Wind Energy Development for Industrial Park – Water Authority Properties**
 - a. Draft Legislation for Public Corporation for East Bay Energy Consortium (EBEC)**
 - b. Invitation to Special Meeting-Briefing on March 20**
- 2. Councilor Coulter – Request Final Adoption of Department Discretionary Budget Pilot Program (to be included in LTFP)**
- 3. Councilor Coulter - Property Tax Relief Measures–Continued From February 27th Meeting**
 - a. Report From D. Robert, Tax Assessor and Exemption Committee Recommendations**

F – FINANCIAL BUSINESS:

- 1. Town Administrator – FY 2012/13 Proposed Final Municipal Budget With Revenue Estimate and Estimated Tax Rate Analysis – Request Council Approval to Forward to Budget Committee**

G - NEW BUSINESS:

- 1. Councilor Coulter- Economic Development – Various Initiatives**
 - a. Invite Economic Development Comm. Chair and Town Planner to Provide Brief Review of Customary Practices with Developers and New Businesses**
 - b. Review Application of Open Meeting Law to Economic Development Initiatives**
 - c. Request Town Council lift 60-day Hold and Forward for Hearing Industrial Park Zoning Amendments and Associated Development Standards and Guidelines**
 - d. Request Town Council Delegate Initial Proposal/Search for Real Estate or Other Professional to Consult on Market Value of Industrial Park**
- 2. Steve Berlucchi, Chair Street Committee – Request Vote to Recommend Trailer Avenue be Designated as “Not a Platted Road” Receiving no DPW Services Except Rubbish Collection at Last Street**

H – BIDS AND REQUESTS FOR PROPOSALS

- 1. RFP Nonquit/Ranger Schools – Review and Award Contract**
- 2. Town Administrator – Request Council Approve the Replacement of the Window in the Administrator’s Office Paid by The Energy Grant – Recommended Low Bidder Horner Millworks**
- 3. Town Clerk – Award of Contract for Voting District Project for**

Tiverton to Election Data Services, Inc.

I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS

- 1. Brief Update on Tiger Tree/James Pelletier v Tiverton
Senator Lou DiPalma's Proposed Legislation**
- 2. Tiverton School Committee v Town of Tiverton (2009/2010)**
 - a. Supreme Court - Motion to File Supplemental Materials**
 - b. Discussion of Dates and Open or Executive Session for Possible Meeting With School Committee**
- 3. Tiverton School Committee v Town of Tiverton (2010/2011)**
- 4. Solicitor Memorandum to Street Committee**

L- TOWN CLERK ANNOUNCEMENTS

5. CLOSED EXECUTIVE SESSION

- 1. Litigation – 42-46-5(a)(2) – Town Solicitor– Status of McInnis v.**

Town of Tiverton Zoning Board of Appeals NC 08-0629 and McInnis v. Town of Tiverton, et al. NC2002-226

2. Litigation – 42-46-5(a)(2) – Councilor Coulter – Pending and/or Threatened Litigation Involving Zoning With Respect To or In Connection With Land Between Route 24 and Souza Road

3. Litigation -42-46-5(a)(2) – Town Solicitor -Campbell et al v. Town of Tiverton (TYC)

A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the General Laws of Rhode Island, 1956 (1986 Reenactment), as amended

6. ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”